

ORDINANCE NO. 95-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, RELATING TO AND CREATING AN ENTERPRISE ZONE DEVELOPMENT AGENCY, A PUBLIC BODY CORPORATE AND POLITIC TO FUNCTION WITHIN THE CORPORATE LIMITS OF WEST PALM BEACH, RIVIERA BEACH, BELLE GLADE AND SOUTH BAY; PROVIDING FOR APPOINTMENT OF A BOARD OF COMMISSIONERS; PROVIDING POWERS AND RESPONSIBILITIES; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDE FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the legislature of the State of Florida has enacted Florida Enterprise Zone Act of 1994 authorized by Sections 290.001-290.016, Florida Statutes (the "Act").

WHEREAS, the Act authorizes any county or municipality to create a public body corporate and politic to be known as an "enterprise zone development agency".

WHEREAS, for an area nominated by a county and one or more municipalities jointly, the county shall create the agency.

WHEREAS, the Board of County Commissioners has adopted a Resolution finding that the areas of: West Palm Beach, Riviera Beach, Belle Glade and South Bay chronically exhibit extreme and unacceptable levels of poverty, unemployment, physical deterioration, and economic disinvestment; and

WHEREAS, the Board of County Commissioners has determined that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, and welfare of the residents of Palm Beach County and areas of West Palm Beach, Riviera Beach, Belle Glade and South Bay; and

WHEREAS, the Board of County Commissioners has determined that the revitalization of such areas can occur only if the private sector can be induced to invest its own resources in productive enterprises that build or rebuild the economic viability of the areas; and

WHEREAS, the Board of County Commissioners has made a further finding that there is a need to create an enterprise zone development agency to function in Palm Beach County to carry out the enterprise zone purposes of the Enterprise Zone Act of 1994.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

Section 1. AUTHORITY FOR ENACTMENT.

This ordinance is enacted pursuant to the Florida Enterprise Zone Act of 1994 authorized by



1 Sections 290.001-290.016, Florida Statutes (the "Act").

2 **Section 2. CREATION OF AN ENTERPRISE ZONE**

3 **DEVELOPMENT AGENCY**

4 There is hereby created a public body corporate and politic to be known as the Enterprise Zone  
5 Development Agency, hereinafter referred to as the "Agency".

6 **Section 3. MEMBERSHIP**

7 3.01 The governing body being the Board of County Commissioners, hereinafter  
8 referred to as the COUNTY, shall appoint a board of commissioners of the agency, which shall  
9 consist of not fewer than 8 or more than 13 commissioners of the agency.

10 3.02 A commissioner shall receive no compensation for his or her services, but is  
11 entitled to the necessary expenses, including travel expenses, incurred in the discharge of his  
12 or her duties. Each commissioner shall hold office until a successor has been appointed and  
13 had qualified. A certificate of the appointment or reappointment of any commissioner shall be  
14 filed with the clerk of the county or municipality, and the certificate is conclusive evidence of  
15 the due and proper appointment of the commissioner.

16 3.03 The powers of an enterprise zone development agency shall be exercised by the  
17 commissioners. A majority of commissioners constitutes quorum for the purpose of conducting  
18 business and exercising the powers of the agency and for all other purposes. Action may be  
19 taken by the agency upon a vote of a majority of the commissioners present, unless in any case  
20 the bylaws require a larger number.

21 3.04 The COUNTY shall designate a chair and vice chair from among the  
22 commissioners. An agency may employ an executive director, technical experts, and such  
23 other agents and employees, permanent and temporary, as it requires, and determine their  
24 qualifications, duties, and compensation. For such legal service as it requires, an agency may  
25 employ or retain its own counsel and legal staff. An agency authorized to transact business  
26 and exercise powers under this act shall file with the COUNTY and with the Auditor General,  
27 on or before March 31 of each year, a report of its activities for the preceding fiscal year, which  
28 report shall include a complete financial statement setting forth its assets, liabilities, income,  
29 and operating expenses as of the end of such fiscal year. At the time of filing the report, the  
30 agency shall publish in a newspaper of general circulation in the community a notice to the  
31 effect that such report has been filed with the county or municipality and that the report is  
32 available for inspection during business hours in the office of the clerk of the municipality or  
33 county and in the office of the agency.

34 3.05 At any time after the creation of an enterprise zone development agency, the  
35 COUNTY or municipalities may appropriate to the agency such amounts as the COUNTY deem



1 necessary for the administrative expenses and overhead of the agency.

2 3.06 The COUNTY may remove a commissioner for inefficiency, neglect of duty, or  
3 misconduct in office only after a hearing and only if the commissioner has been given a copy  
4 of the charges at least 10 days prior to the hearing and has had an opportunity to be heard  
5 in person or by counsel.

6 **Section 4. POWERS and RESPONSIBILITIES**

7 4.01. The agency shall have the following powers:

8 1. To assist in the development and implementation of the strategic plan.

9 2. To oversee and monitor the implementation of the strategic plan. The agency shall  
10 make quarterly reports to the COUNTY and the municipalities evaluating the progress in  
11 implementing the strategic plan.

12 3. To identify and recommend to the COUNTY and the municipalities ways to remove  
13 regulatory barriers.

14 4. To identify and recommend to the COUNTY and municipalities the financial needs  
15 of, and local resources or assistance available to, eligible businesses in the zone.

16 4.02. Contingent upon approval by the governing body, the agency may invest in  
17 community investment corporations which conduct, or agree to conduct, loan guarantee  
18 programs assisting minority businesses enterprises located in the enterprise zone. In making  
19 such investments, the agency shall first attempt to invest in existing community investment  
20 corporations providing services in the enterprise zone. Such investments shall be made under  
21 conditions required by law and as the agency may require, including, but not limited to:

22 a. The funds invested by the agency shall be used to provide loan guarantees to  
23 individuals for minority business enterprises located in the enterprise zone.

24 b. The community investment corporation may not approve any application for a loan  
25 guarantee unless the person applying for the loan guarantee shows that he or she has applied  
26 for the loan or loan guarantee through normal banking channels and that the loan or loan  
27 guarantee has been refused by at least one bank or other financial institution.

28 4.03. Prior to December 1 of each year, the agency shall submit to the department a  
29 complete and detailed written report setting forth:

30 a. Its operation and accomplishments during the fiscal year.

31 b. The accomplishments and progress concerning the implementation of the strategic  
32 plan.

33 c. The number and type of businesses assisted by the agency during the fiscal year.

34 d. The number of jobs created within the enterprise zone during the fiscal year.

35 e. The usage and revenue impact of state and local incentives granted during the



1 calendar year.

2 f. Any other information required by the department.

3 4.04. In the event that the nominated area selected by the COUNTY is not designated  
4 a state enterprise zone, the governing body may dissolve the agency after receiving notification  
5 from the department that the area was not designated as an enterprise zone.

6 **Section 5. REPEAL OF LAWS IN CONFLICT**

7 All local laws and ordinances applying to the unincorporated area of Palm Beach County in  
8 conflict with any provisions of this ordinance are hereby repealed.

9 **Section 6. SEVERABILITY**

10 If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason  
11 held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the  
12 remainder of this ordinance.

13 **Section 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

14 The provisions of this ordinance shall become and be made a part of the code of laws and  
15 ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered  
16 or relettered to accomplish such, and the word "ordinance" may be changed to "section,"  
17 "article," or any other appropriate word.

18 **Section 8. EFFECTIVE DATE**

19 The provisions of this ordinance shall become effective upon receipt of acknowledgement by  
20 the Secretary of State.

21 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach  
22 County, Florida, on the 2nd day of May, 1995.

23  
24 **PALM BEACH COUNTY, FLORIDA, BY ITS**  
25 **BOARD OF COUNTY COMMISSIONERS**

26 DOROTHY H. WILKEN, CLERK  
Board of County Commissioners  
By *April C. [Signature]*  
DEPUTY CLERK



27 By *[Signature]*  
28 *[Signature]*  
29 *[Signature]*  
30 Chair

31 **APPROVED AS TO FORM AND**  
32 **LEGAL SUFFICIENCY**

33 *[Signature]*

34 County Attorney  
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Acknowledgement by the Department of State of the State of Florida, on this, the  
9th day of May, 1995.

**EFFECTIVE DATE:** Acknowledgement from the Department of State received on the  
12th day of May, 1995, at 3:50 <sup>P</sup>A.M., and filed in the Office of the Clerk of  
the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on 5/2/95  
at West Palm Beach, FL on 5/23/95.  
DOROTHY H. WILKEN, Clerk  
By: Phyllis A. House D.C.